

November 26, 2019

VIA U.S. MAIL and ECF

Hon. Anita B. Brody
United States District Court for the Eastern District of Pennsylvania
James A. Byrne United States Courthouse
601 Market Street, Room 7613
Philadelphia, PA 19106

Re: Fuentes v. Royal Dutch Shell PLC et al., Case No. 18-05174-AB

Hon. Anita B. Brody:

In keeping with Local Rule 7.4(b) and paragraph 3 (“Scheduling Policy”) of Your Honor’s Policies and Procedures, the parties have agreed to the following modification of the Scheduling Order in this case (Dkt. 28) (“Order”) and submit it for the Court’s approval.

By way of background, yesterday, on November 25, the Court ruled on defendant Jiffy Lube’s motion to dismiss – permitting Plaintiff’s Sherman Act claim to proceed. The Court has not yet ruled on or set a hearing date for Jiffy Lube’s pending Motion to Transfer Venue (Dkt. 24). For a number of reasons, the parties agree that the deadlines in the Order should now be extended. The Court’s ruling on the motion to dismiss will be very helpful in shaping the scope of discovery. To that end, the parties are in the process of negotiating a protective order and ESI protocol to govern discovery in this matter. Plaintiff served document requests on Jiffy Lube on October 21, 2019 and provided an extension to allow Jiffy Lube to serve responses on January 24, 2020. After Plaintiffs review the documents Jiffy Lube produces, they will be in a position to take depositions of Jiffy Lube employees and serve third party discovery.

In addition, Plaintiff’s motion for class certification is currently due on February 21, 2020. Plaintiff’s counsel has a four-week trial scheduled to begin on February 3, 2020 in the Middle District of Florida, Jacksonville Division, in the matter of *In Re: Disposable Contact Lens Antitrust Litigation*, Case No. 3:15-md-02626-HES.

The parties have therefore met and conferred, and have agreed to an extension of time to account for the current status of the case and to accommodate Plaintiff’s counsel’s trial schedule. The parties agree and jointly request that the Court enter an order superseding the Order and setting the following schedule:

- Deadline for amending pleadings and joining parties: **May 4, 2020.**

- Plaintiff files Motion for Class Certification (including any supporting expert declarations): **October 16, 2020.**
- Defendant files opposition to Motion for Class Certification (including any supporting expert declarations): **November 30, 2020.**
- Plaintiff files reply in support of Motion for Class Certification: **January 15, 2021.**
- Conclusion of fact discovery **February 1, 2021.**
- Plaintiff serves merits expert reports: **March 5, 2021.**
- Defendant serves merits expert reports: **April 5, 2021.**
- Plaintiff serves merits rebuttal reports: **May 5, 2021.**
- Conclusion of expert discovery: **June 4, 2021.**
- Deadline for filing dispositive motions: **July 2, 2021.**
- Opposition to any Motion for Summary Judgment: **August 13, 2021.**
- Reply to any Motion for Summary Judgment: **September 10, 2021.**

Dated: November 26, 2019

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 26, 2019, a true and correct copy of the foregoing was electronically filed with the Clerk of Court using CM/ECF. Copies of the foregoing document will be served upon interested counsel via transmission of Notices of Electronic Filing generated by CM/ECF.

/s/ Michael L. Schrag